

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GARY D. JONES,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**STEVEN R. GLUNT, Superintendent,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF PHILADELPHIA, and THE  
ATTORNEY GENERAL OF THE STATE  
OF PENNSYLVANIA,**

**Defendants.**

**NO. 12-6119**

**ORDER**

**AND NOW**, this 17th day of July, 2013, upon consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by petitioner, Gary D. Jones, the record in this case, the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa filed April 25, 2013, petitioner's Objections to the Report and Recommendation, and the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa filed June 14, 2013, the Court noting that petitioner's Objections to the Report and Recommendation dated April 25, 2013, are based on his argument that his Petition for Writ of Habeas Corpus was timely filed because he is entitled to equitable tolling, and the Supplement Report and Recommendation dated June 14, 2013, having addressed in detail the issue of equitable tolling<sup>1</sup>, and the Court agreeing with the conclusions in the Report and Recommendation dated April 25, 2013, and the Supplemental Report and Recommendation dated June 14, 2013, that equitable tolling is inapplicable to this case and that the Habeas Corpus Petition was not timely filed, **IT IS ORDERED** as follows:

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<sup>1</sup> Equitable tolling was also addressed in the Report and Recommendation dated April 25, 2013.

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated April 25, 2013, and the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated June 14, 2013, are **APPROVED** and **ADOPTED**;

2. Petitioner's Objections to the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated April 25, 2013, are **OVERRULED** for the reasons set forth in that Report and Recommendation and in the Supplemental Report and Recommendation dated June 14, 2013;

3. The Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by Gary D. Jones, is **DISMISSED AS UNTIMELY FILED**;

4. A certificate of appealability will not issue because reasonable jurists would not debate whether (a) the petition states a valid claim of the denial of a constitutional right or (b) this Court's procedural rulings with respect to petitioner's claims were erroneous. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

s/ Jan E. DuBois

**DuBOIS, JAN E., J.**